

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SAUL LARA-PEREZ,	)	CASE NO. C09-1810-JLR
	)	
Petitioner,	)	
	)	
v.	)	
	)	REPORT AND RECOMMENDATION
A. NEIL CLARK, Field Office Director, U.S.	)	
Immigration and Customs Enforcement,	)	
	)	
Defendant/Respondent.	)	
_____	)	

On December 22, 2009, petitioner Saul Lara-Perez submitted to this Court for review a petition for writ of habeas corpus under 28 U.S.C. § 2241, seeking a bond hearing or bond reduction. (Dkt. 7.) On January 4, 2010, petitioner also submitted a motion to enjoin the U.S. Department of Homeland Security (“DHS”) from further detaining him. (Dkt. 4.) On February 4, 2010, petitioner submitted an amended petition for writ of habeas corpus requesting that this Court order his release from custody on conditions of reasonable bond, arguing that “such custody violates the due process rights of the Petitioner.”(Dkt. 10.) Respondent has filed a Motion to Consolidate this Action with a Prior Action, arguing that the instant action is a verbatim copy of the habeas petition filed by petitioner in *Lara-Perez v. Clark*, Case No.

01 C09-1696-RAJ-JPD. (Dkt. 13.)

02       On February 26, 2010, however, the government submitted documentation in the prior  
03 action, C09-1696-RAJ-JPD (Dkt. 15, Ex. A), indicating that petitioner was removed from the  
04 United States to Mexico on January 30, 2010, and is no longer in immigration custody. The  
05 government noted that on February 8, 2010, petitioner attempted to reenter the United States at  
06 the San Ysidro Port of Entry using fraudulent documents and was arrested and detained at the  
07 San Diego Metropolitan Correctional Center pending charges of violation of 8 U.S.C. § 1326.  
08 *Id.* The government stated that petitioner is not in immigration custody and that his habeas  
09 petition is moot and should be dismissed. *Id.* On March 4, 2010, the Honorable James P.  
10 Donohue, United States Magistrate Judge, recommended that the action be dismissed as moot.  
11 See Lara-Perez, C09-1696-RAJ (Dkt. 16.)

12       For a federal court to have jurisdiction, “an actual controversy must exist at all stages of  
13 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).  
14 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer  
15 detained by ICE, his petition for writ of habeas corpus seeking release from immigration  
16 detention has become moot and should be dismissed. *See Abdala v. I.N.S.*, 488 F.3d 1061,  
17 1065 (9th Cir. 2007); *see also Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding  
18 that the District Court properly dismissed plaintiff’s claims that had become either moot or  
19 unripe). Accordingly, I recommend that this action be dismissed as moot. A proposed Order  
20 accompanies this Report and Recommendation.

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01 DATED this 11th day of March, 2010.

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04 Mary Alice Theiler  
05 United States Magistrate Judge  
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